

COMBINED DECLARATION AND POWER OF ATTORNEY

As below named inventor, I hereby declare that

This declaration is of the following type:

- ☐ original ☐ design ☐ supplemental
☐ national stage of PCT
☐ divisional ☐ continuation ☒ continuation-in-part

My residence, post office address, and citizenship are as stated below next to my name. I believe I am the original, first, and sole inventor (*if only one name is listed below*) or an original, first, and joint inventor (*if plural names are listed below*) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

METHOD AND APPARATUS FOR SECURELY ASSOCIATING AN
OPTICALLY READABLE MEMORY WITH A USER MACHINE

the specification of which:

- ☒ is attached hereto.
☐ was filed on _____ as Application No. _____ and was amended on _____
(*if applicable*).
☐ was filed by Express Mail No. _____ as Application No. *not known yet*, and was amended on _____
(*if applicable*).
☐ was described and claimed in PCT International Application No. _____ filed on _____
and as amended pursuant to PCT Article 19 on _____
(*if any*).

I state that I have reviewed and understand the contents of the above-identified specification, including the claim(s), as amended by any amendment referred to above.

I acknowledge the duty to disclose information that is material to the patentability of this application in accordance with 37 C.F.R. § 1.56.

I claim foreign priority benefits under 35 U.S.C. § 119 of any foreign application(s) for patent or inventor's certificate or of any PCT international application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign application(s) for patent, utility model, design registration, or inventor's certificate or any PCT international application(s) designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application(s) of which priority is claimed.

| PRIOR FOREIGN PATENT, UTILITY MODEL, AND DESIGN REGISTRATION APPLICATIONS | | | | | | |
|---|-------------|--------------------------------------|---|-----|--|----|
| COUNTRY | APPLICATION | DATE OF FILING (day, month, year) | PRIORITY CLAIMED UNDER 35 U.S.C. § 119 | | | |
| | | | | YES | | NO |
| | | | | YES | | NO |
| | | | | YES | | NO |

I claim the benefit pursuant to 35 U.S.C. § 119(e) of the following United States provisional application(s):

002277-6522260

[illegible]

| PRIOR U.S. PROVISIONAL APPLICATIONS BENEFIT CLAIMED UNDER 35 U.S.C. 119(e) | |
|---|------------------------------------|
| APPLICATION NO. | DATE OF FILING (day,month,year) |
| | |
| | |
| | |

I claim the benefit pursuant to 35 U.S.C. § 120 of any United States application(s) or PCT international application(s) designating the United States of America listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in that/those prior application(s) in the manner provided by the first paragraph of 35 U.S.C. § 112, I acknowledge the duty to disclose material information as defined in 37 C.F.R. § 1.56 effective between the filing date of the prior application(s) and the national or PCT international filing date of this application.

| PRIOR U.S. APPLICATIONS OR PCT INTERNATIONAL PATENT APPLICATIONS DESIGNATING THE U.S. FOR BENEFIT UNDER 35 U.S.C. 120 | | | | | |
|--|---------------------------------------|---------------------------------------|---------------------------|---------|-----------|
| U.S. APPLICATIONS | | | Status <i>(check one)</i> | | |
| APPLICATION NO. | U.S. FILING DATE | | PATENTED | PENDING | ABANDONED |
| 1. 09/190,511 | November 12, 1998 | | | X | |
| 2. 0 / | | | | | |
| 3. 0 / | | | | | |
| PCT APPLICATIONS DESIGNATING THE U.S. | | | Status <i>(check one)</i> | | |
| PCT APPLICATION NO. | PCT FILING DATE (day, month, year) | U.S. APPLN. NOS. ASSIGNED (if any) | PATENTED | PENDING | ABANDONED |
| 4. | | | | | |
| 5. | | | | | |
| 6. | | | | | |

| DETAILS OF FOREIGN APPLICATIONS FROM WHICH PRIORITY CLAIMED UNDER 35 U.S.C. §119 FOR ABOVE LISTED U.S./PCT APPLICATIONS | | | | |
|--|---------|-----------------|------------------------------------|-----------------------------------|
| ABOVE APPLN. NO. | COUNTRY | APPLICATION NO. | DATE OF FILING (day,month,year) | DATE OF ISSUE (day,month,year) |
| 1. | | | | |
| 2. | | | | |
| 3. | | | | |
| 4. | | | | |
| 5. | | | | |
| 6. | | | | |

As a named inventor, I hereby appoint the following attorneys to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

In re Appln. of Gaston
Attorney Docket No. 206314

James B. Muskal, Reg. 22797
Dennis R. Schlemmer, Reg. 24703
Gordon R. Coons, Reg. 20821
John E. Rosenquist, Reg. 26356
John W. Kozak, Reg. 25117
Charles S. Oslakovic, Reg. 27583
Mark E. Phelps, Reg. 28461
H. Michael Hartmann, Reg. 28423
Bruce M. Gagala, Reg. 28844
Charles H. Mottier, Reg. 30874
John Kilyk, Jr., Reg. 30763
Robert F. Green, Reg. 27555
John B. Conklin, Reg. 30369
James D. Zalewa, Reg. 27848
John M. Belz, Reg. 30359
Brett A. Hesterberg, Reg. 31837
Jeffrey A. Wyand, Reg. 29458
Paul J. Korniczky, Reg. 32849
Pamela J. Ruschau, Reg. 34242
Steven P. Petersen, Reg. 32927

John M. Augustyn, Reg. 33589
Christopher T. Griffith, Reg. 33392
Wesley O. Mueller, Reg. 33976
Jeremy M. Jay, Reg. 33587
Jeffrey B. Burgan, Reg. 35463
Eley O. Thompson, Reg. 36035
Mark Joy, Reg. 35562
Allen E. Hoover, Reg. 37354
David M. Airan, Reg. 38811
Xavier Pillai, Reg. 39799
Y. Kurt Chang, Reg. 41397
Gregory C. Bays, Reg. 40505
Carol Larcher, Reg. 35243
Steven H. Sklar, Reg. 42154
M. Daniel Hefner, Reg. 41826
Thomas A. Belush, Reg. 37090
Kenneth P. Spina, Reg. 43927
Siegumunc Y. Gutman, Reg. 46304
Andrea M. Augustine, Reg. 46526

Andrew J. Heinisch, Reg. 43666
Jeffery J. Makeever, Reg. 37390
Salim A. Hasan, Reg. 38175
Richard A. Wulff, Reg. 42238
Phillip M. Pippenger, Reg. 46055
Jamison E. Lynch, Reg. 41168
Vladan M. Vasiljevic, Reg. 45177
Kathryn M. Lumb, Reg. 46885
Rattan Nath, Reg. 43827
Robert M. Gould, Reg. 43642
Len Smith, Reg. 43139
Kevin L. Wingate, Reg. 38662
Michael N. Spink, Reg. 47107
David J. Schodin, Reg. 41294
Heather R. Kissling, Reg. 45790
Paul L. Ahern, Reg. 17020
Theodore W. Anderson, Reg. 17035
Berton Scott Sheppard, Reg. 20922
Noel I. Smith, Reg. 18698

I further direct that correspondence concerning this application be directed to LEYDIG, VOIT & MAYER, LTD., Two Prudential Plaza, Suite 4900, 180 North Stetson, Chicago, Illinois 60601-6780, Telephone (312) 616-5600.

I declare that all statements made herein of my own knowledge are true, that all statements made on information and belief are believed to be true, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole or first inventor: Kerry R. Gaston

Inventor's signature

Date

11/16/00

Country of Citizenship: U.S.A.

Residence: Montgomery, Alabama
(city/state or country)

Post Office Address: ~~2724 West Aberdeen Drive~~, Montgomery, AL 36116
(complete mailing address)

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PATENT

Attorney Docket No. 206314

Applicant or Patentee: Kerry R. Gaston

Appln. or Patent No.:

Filed or Issued:

For: Method and Apparatus for Securely Associating an Optically Readable Memory with a User Machine

**VERIFIED STATEMENT (DECLARATION)
CLAIMING SMALL ENTITY STATUS
37 C.F.R. §§ 1.9(f) & 1.27(b) - INDEPENDENT INVENTOR**

As a below-named inventor, I hereby declare that I qualify as an independent inventor as defined in 37 C.F.R. § 1.9(c), for purposes of paying reduced fees under Sections 41(a) and (b) of Title 35, United States Code, to the Patent and Trademark Office with regard to the invention entitled:

**METHOD AND APPARATUS FOR SECURELY ASSOCIATING AN OPTICALLY
READABLE MEMORY WITH A USER MACHINE**

described in:

- ☒ The specification filed herewith.
☐ Application No. , filed
☐ Patent No. , issued

Others Having Rights In The Invention

I have not assigned, granted, conveyed, or licensed, and I am not under any obligation under contract or law to assign, grant, convey, or license, any rights in the invention to any person who could not be classified as an independent inventor under 37 C.F.R. § 1.9(c) if that person had made the invention, or to any concern which would not qualify as a small business concern under 37 C.F.R. § 1.9(d) or a nonprofit organization under 37 C.F.R. § 1.9(e).

Each person, concern, or organization to which I have assigned, granted, conveyed, or licensed or am under an obligation under contract or law to assign, grant, convey, or license any rights in the invention is listed below:

- ☒ no such person, concern, or organization.
☐ persons, concerns, or organizations listed below. (NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to his/her/its status as a small entity.)

Name:

Address:

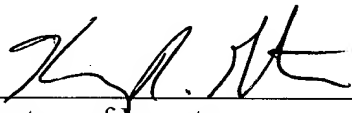
☐ Individual ☐ Small Business Concern ☐ Nonprofit Organization

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I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 C.F.R. § 1.28(b)).

I hereby declare that all statements made herein of my own knowledge are true, that all statements made on information and belief are believed to be true, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

Name of Inventor: Kerry R. Gaston



Signature of Inventor

November 16, 2000

Date

gaston\app\206314 SES

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